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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 SAFEWORKS, LLC, a Washington limited  
10 liability company,

11 Plaintiff,

C08-1219Z

12 v.

MINUTE ORDER

13 TEUPEN AMERICAN, LLC, EXTREME  
14 ACCESS SOLUTIONS, INC., THE  
15 SPIDERLIFT COMPANY, INC., AND  
16 LEONARDO POLONSKI,

17 Defendants.

18 The following Minute Order is made by direction of the Court, the Honorable Thomas  
19 S. Zilly, United States District Judge:

20 (1) Defendants' motion for summary judgment, docket no. 37, as amended, docket  
21 no. 47, is DENIED. As to plaintiff's various claims under the Lanham Act, the Court  
22 concludes that genuine issues of material fact exist as to (i) whether the term "spiderlift" is  
23 generic, and (ii) whether defendants' use of the term, in light of plaintiff's incontestable  
24 trademarks SPIDER, SPIDER-LINE, and SPIDER STAGING, "is likely to cause confusion,  
or to cause mistake, or to deceive." 15 U.S.C. § 1114. As a result, genuine issues of material  
fact also preclude summary judgment concerning plaintiff's claim under Washington's  
Consumer Protection Act, which is predicated on the alleged violations of the Lanham Act.  
Defendants made an extraordinarily weak showing concerning the doctrine of laches, and if  
plaintiff had cross-moved for summary judgment, the Court might have stricken that  
affirmative defense. As to plaintiff's breach of contract claim, defendants failed to establish  
that they are entitled to summary judgment.

25 (2) In light of the Court's ruling on defendants' motion for summary judgment,  
26 plaintiff's motion to strike, docket no. 43, is STRICKEN as moot.

1           (3)     Plaintiff's request for a scheduling conference, docket no. 42, is DENIED. The  
2 parties are directed to conduct mediation as soon as practicable, and no later than the  
3 deadline set forth in the Court's Minute Order Setting Trial Date and Related Dates, docket  
4 no. 27.

5           (4)     The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record.

7           Filed and entered this 8th day of December, 2009.

8                                 BRUCE RIFKIN, Clerk

9   s/ Claudia Hawney  
10                                 By \_\_\_\_\_  
11                                 Claudia Hawney  
12                                 Deputy Clerk  
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